



**VIA ECFS**

February 24, 2017

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Notice of Provision of Consumer Broadband-Only Loop Service on a Permissive Detariffed Basis  
CC Docket No. 02-33  
WC Docket No. 10-90

Dear Ms. Dortch,

Pursuant to the 2006 *Wireline Broadband Classification Order*<sup>1</sup> and the 2016 *Rate-of-Return Reform Order*,<sup>2</sup> Accipiter Communications, Inc. is hereby providing the FCC with the attached notice of the Company's election to provision its consumer broadband-only loop (CBOL) service on a permissive detariffed basis, effective April 1, 2017. To date, Accipiter Communications, Inc. has not tariffed or offered a Consumer Broadband Only Loop service, and as such, currently has no customers of the service. The only subscriber of the Company's broadband Internet access transmission service is its affiliate Internet service provider, and has been furnished the following notice of the Company's intention to offer a Consumer Broadband Only Loop service on a detariffed basis.

A copy of this notice is also being sent to Arizona Corporation Commission, the Governor of Arizona, and the Special Assistant for Telecommunications at the Department of Defense.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Patrick Sherrill

President/CEO

Accipiter Communications Inc. dba Zona Communications

Attachment

<sup>1</sup> *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities et al.*, CC Docket No. 02-33 et al., Report and Order and Notice of Proposed Rulemaking, FCC 05-150 (rel. Sept. 23, 2005), para. 101 (*Wireline Broadband Classification Order*).

<sup>2</sup> *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 16-33 (rel. Mar. 30, 2016), para. 193 (*Rate-of-Return Reform Order*).

**Accipiter Communications, Inc.**  
**Study Area Code 452191**

**Notice of Provision of Consumer Broadband Only Loop Service On A  
Permissive Detariffed Basis**

**CC Docket No. 02-33**

**WC Docket No. 10-90**

The Federal Communications Commission in its 2016 *Rate-of-Return Reform Order* established revised cost allocation procedures that enable rate of return-regulated incumbent local exchange carriers to recover their broadband-capable network loop costs. Therein, consumer broadband-only loop (CBOL) service was established as means of recovering a portion of the loop costs associated with providing broadband-only service. The FCC afforded rate-of-return carriers the option of tariffing the charge for CBOL service in their interstate common line tariff, or to offer the service on a permissive detariffed basis. Today, Accipiter Communications, Inc. provides notice of its intent to offer the CBOL service on a permissive detariffed basis, effective April 1, 2017.

Accipiter Communications, Inc. already offers its other common carrier broadband Internet access transmission service on a permissive detariffed basis. Accipiter Communications, Inc. will post the rates, terms and conditions of its CBOL service to its website: [www.zonacommunications.com](http://www.zonacommunications.com). The Company will also make physical copies of its offering reflecting the rates, terms and conditions available for public inspection at its business office, at the address provided below:

Accipiter Communications Inc.  
2238 W. Lone Cactus Drive, Suite 100  
Phoenix, AZ 85027

The permissive detariffing of Accipiter Communications, Inc.'s CBOL service will apply to the entirety of the Company's study area. This includes the following exchanges:

Lake Pleasant; South Lake Pleasant; Sun Valley

Presently, Accipiter Communications, Inc. currently has no customers for its Consumer Broadband Only loop service. The Company's only customer of its other broadband Internet access transmission service is the Company's own non-regulated Internet service provider (ISP) affiliate. The Company's affiliated ISP purchases broadband Internet access transmission service for use as an input to the retail broadband Internet access services it offers to residential and business end-user customers. On the effective date of this notice, the Company's affiliated ISP may begin purchasing the Consumer Broadband Only Loop service. The provision of

the service as a detariffed service will have no effect on the end-user services provided by the Company's affiliated ISP.

On February 23, 2017, Accipiter Communications, Inc. furnished its affiliated ISP with the attached memorandum, which notifies the ISP of the Company's plan to provide its CBOL service on a detariffed basis.

cc: Arizona Corporation Commission

Governor of Arizona

Special Assistant for Telecommunications at the Department of Defense

## Certificate of Service

I, Patrick Sherrill, hereby certify that the foregoing Notice of Detariffing was serviced on February 24, 2017, by mailing true and correct copies thereof, postage prepaid, to the following:

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
1000 Defense Pentagon  
Washington, DC 20301-1000

Office of the Arizona Governor  
Office of Doug Ducey  
1700 West Washington Street  
Phoenix, AZ 85007

Elijah Abinah  
Director Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

A handwritten signature in cursive script, reading "Patrick Sherrill", written in dark ink. The signature is fluid and stylized, with the first and last names being clearly legible.

Patrick Sherrill  
President/CEO



To: Zona Communications DSL Customer

From: Patrick Sherrill, CEO  
Accipiter Communications, Inc. dba Zona Communications

Date: February 23, 2017

RE: Notice of Provision of Consumer Broadband-Only Loop Service On A Permissive Detariffed Basis

This is to notify you that Accipiter Communications, Inc. will begin offering a new Consumer Only Broadband Loop (CBOL) service on a non-tariffed basis. This is the same manner in which the company currently provides your broadband Internet access transmission service, which is used as an input for the broadband Internet access services that you offer to residential and business end-user customers.

Accipiter Communications, Inc.'s detariffed CBOL service will be offered throughout the entirety of the Company's service area. This includes the exchanges of Lake Pleasant, South Lake Pleasant and Sun Valley.

To view the rates, terms and conditions of our CBOL service, please visit the Company's website at [www.zonacommunications.com](http://www.zonacommunications.com). In addition, printed copies of the rates, terms and conditions of the CBOL service will be available at our office, during normal business hours.

Accipiter Communications Inc.  
2238 W. Lone Cactus Drive, Suite 100  
Phoenix, AZ 85027